

Board of Dentistry

Minutes

Date: October 22, 2004

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

Members Present: Marlene S. Fullilove, R.D.H., Vice President
Harold L. Fitts, D.D.S., Secretary/Treasury
Beth A. Casey, R.D.H.
Bobby Cook, D.D.S.
Jeffery M. Clark, D.D.S.
Betty Gail Fox, R.D.A.
John M. Douglas, Jr. D.D.S.
William Nally, D.M.D.
Eden A. DeArmond, Jr. D.D.S.
Mike Tabor, D.D.S.
Mark H. Wildasin

Staff Present: Paul David, Board Director
Dea Smith, Board Manager
Tammy M. Roehrich, Board Administrator
Robbie Bell, Director, Health Related Boards
Ernest Sykes, General Counsel and Advisory Attorney
Jonathan Stevens, Associate General Attorney

Administrative Staff: Joyce Safley, Administrative Law Judge

October 22, 2004

The Board's President, Marlene S. Fullilove, determined a sufficient number of board members were in attendance to constitute a quorum. The quorum was determined by the presence of Ms. Fullilove, Dr. Fitts, Ms. Casey, Dr. Clark, Dr. Douglas, Dr. DeArmond, Ms. Fox, Dr. Nally, Dr. Tabor, Dr. Cook and Mr. Wildasin. Therefore, the meeting of the Tennessee Board of Dentistry was called to order at 9:06 p.m., Central Time.

Muscari, Paul V. - License No. DS 2797-Continued

Joyce Safley has been assigned by the Secretary of State to serve as Administrative Law Judge. The respondent is present and represented by Mr. Dan Warlick of the Nashville Bar. The State is represented by Jonathan Stevens from the Office of General Counsel. The Judge called the docket number for Dr. Paul V. Muscari. The respondent's attorney called his witnesses and presented evidence to support their case. After review of the testimony and evidence the Board began deliberations. Unprofessional, dishonorable and unethical conduct; gross malpractice or a pattern of repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; and violation of the rules that require all auxiliary personnel to be certified in Health Care Provider Life Support when anti-anxiety premedications are being administered. Respondent's license was placed on three years probation, required to report in person at the September board meeting each year of the probation to show compliance, a random audit of his dental records and a random pharmacy audit will be performed by the Department each year of the probation, the respondent must attend a risk management/recordkeeping course, and a prescribing course. The respondent was also ordered to pay costs. A motion was made and seconded to accept the above findings. All members present voting in the affirmative.

New Consultants

The Board was directed to the new consultants, Dr. Glen Greer and Dr. Charle Rogers, in the notebooks provided. After review Dr. Nally made a motion and 2nd to Dr. DeArmond to accept the names. All members present voting in the affirmative. Ms. Smith will have the names added to the list of consultants in the Office of Investigation.

Scheduling Additional Meeting Date

Mr. Kosten explained to the Board that it might be a good idea to schedule an additional meeting date to discuss the despondences from the rule making hearing on the Local Anesthesia Certification for hygienist. After discussion the Board decided to have a special meeting on March 4, 2005 after the rule making hearing.

Discussion on PALS requirement

Mr. Paul David gave the recommendations of the anesthesia committee concerning the requirement of a PALS certification for those Oral and Maxi facial Surgeons who sedate children 13 years and under. The committee feels that the training they receive while going through the OMS program will be sufficient training in pediatric resuscitation. After discussion a motion was made by Dr. Clark and 2nd to Dr. Fitts that someone with OMS certification will not be required to show proof of PALS certification to sedate children under the age of 13.

Policy

Ms. Casey explained to the Board a new local anesthetic which can be administered topically. She explained that it will be available in November 2004 and that the Board will need to make a decision whether or not dental hygienist and/or dental assistants will be allowed to administer it.

to patients. Ms. Smith referred the Board to a printout on the anesthetic in the materials they were provided. Ms. Smith explains that the Board might want to adopt a policy whether than making rule change at this time. After discussion and review of the print outs and the three(3) drafts of policy in the Board materials, a motion was made by Ms. Casey and 2nd by Dr. Clark to adopt the 2nd draft with changes. All members present voting in the affirmative. The policy is to be posted on the internet immediately.

Motion was made and seconded to adjourn the meeting. The meeting of the Tennessee Board of Dentistry was adjourned at 4:22pm.